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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/532,440

04/22/2005

Shinobu Inoue

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EXAMINER

RALIS, STEPHEN J

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/532,440	Applicant(s) INOUE ET AL.	
	Examiner Stephen J. Ralis	Art Unit 3742	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 April 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/22/2005 and 8/14/2007</u> . | 6) <input type="checkbox"/> Other: _____ |

Priority

1. Applicant's claim for foreign priority benefit of Japanese Application No. 2002-307052, filed 22 October 2002, is acknowledged.
2. If applicant desires to claim the benefit of a prior-filed application under 35 U.S.C. 119(e), a specific reference to the prior-filed application in compliance with 37 CFR 1.78(a) must be included in the first sentence(s) of the specification following the title or in an application data sheet. For benefit claims under 35 U.S.C. 120, 121 or 365(c), the reference must include the relationship (i.e., continuation, divisional, or continuation-in-part) of the applications.

If the instant application is a utility or plant application filed under 35 U.S.C. 111(a) on or after November 29, 2000, the specific reference must be submitted during the pendency of the application and within the later of four months from the actual filing date of the application or sixteen months from the filing date of the prior application. If the application is a utility or plant application which entered the national stage from an international application filed on or after November 29, 2000, after compliance with 35 U.S.C. 371, the specific reference must be submitted during the pendency of the application and within the later of four months from the date on which the national stage commenced under 35 U.S.C. 371(b) or (f) or sixteen months from the filing date of the prior application. See 37 CFR 1.78(a)(2)(ii) and (a)(5)(ii). This time period is not extendable and a failure to submit the reference required by 35 U.S.C. 119(e) and/or 120, where applicable, within this time period is considered a waiver of any benefit of such prior application(s) under 35 U.S.C. 119(e), 120, 121 and 365(c). A benefit claim

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filed after the required time period may be accepted if it is accompanied by a grantable petition to accept an unintentionally delayed benefit claim under 35 U.S.C. 119(e), 120, 121 and 365(c). The petition must be accompanied by (1) the reference required by 35 U.S.C. 120 or 119(e) and 37 CFR 1.78(a)(2) or (a)(5) to the prior application (unless previously submitted), (2) a surcharge under 37 CFR 1.17(t), and (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2) or (a)(5) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional. The petition should be addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

If the reference to the prior application was previously submitted within the time period set forth in 37 CFR 1.78(a), but not in the first sentence(s) of the specification or an application data sheet (ADS) as required by 37 CFR 1.78(a) (e.g., if the reference was submitted in an oath or declaration or the application transmittal letter), and the information concerning the benefit claim was recognized by the Office as shown by its inclusion on the first filing receipt, the petition under 37 CFR 1.78(a) and the surcharge under 37 CFR 1.17(t) are not required. Applicant is still required to submit the reference in compliance with 37 CFR 1.78(a) by filing an amendment to the first sentence(s) of the specification or an ADS. See MPEP § 201.11.

Drawings

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "42-1" & "42-2" has been used to designate both platforms and mounts. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "56" and "58" have both been used to designate stopper. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required

corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the assembly line" in lines 10 and 16. There is insufficient antecedent basis for this limitation in the claim. It is unclear to the examiner the relationship between "the assembly line" and "the car body assembly line. Further clarification is required to either provide sufficient antecedent basis or to distinguish the elements from the previously recited element.

In general, the claims are replete with such 35 U.S.C. 112, second paragraph issues. The above notes are exemplary with respect to all of the 35 U.S.C. 112, second paragraph rejections present in the instant case, all claims must be carefully reviewed and appropriate corrections should be made in response to this rejection.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-4 rejected under 35 U.S.C. 102(a) as being anticipated by Motomi et al. (U.S. Patent No. WO 03/039941 A1; Note: U.S. Publication No. 2005/0017057 used for US equivalency).

Motomi et al. disclose a method of assembling a car body, the method comprising the steps of: locating a lower end of a vertical side member (4) relative to an end of an underbody (3) held in a predetermined position of a carbody assembling line; locating the side member to the underbody at not less than two portions of the lower end; and temporarily welding, in such a locating state, the side body to the underbody (Abstract; page 4, paragraph 45—page 5 paragraph 53; see Figures 1-7); the car body assembly line being provided, in a vicinity thereof, with a slide base (slide plate 13) which is movable toward and away from the assembly line (see Figures 6, 7), the car body (underbody 3) being provided, in a vicinity thereof, with a locator (jigs 11-1 – 11-4) which is removably placed on the slide base (slide plate 13) for locating the side member (4; page 5, paragraphs 49-50), the car body assembly line being provided, in a vicinity thereof, with a lifter (elevator platform 15) for placing the locator (jigs 11-1 – 11-4) on the slide base (slide plate 13) when the slide base (slide plate 13) is away from the assembly line (see Figures 6, 7), the locator (jigs 11-1 – 11-4) being placed onto the lifter (elevator platform 15) when the lifter is at an upper limit (see Figures 6, 7), the locator (jigs 11-1 – 11-4) being placed onto the slide base (slide plate 13) when the lifter

(elevator platform 15) is lowered, the side member (4) being supported by the locator (jigs 11-1 – 11-4), and the slide base (slide plate 13) being moved toward the car body assembly line for locating the side member (4) relative to the underbody (3).

With respect to the limitations of claim 2, Motomi et al. disclose the lifter (elevator platform 15) being lifted up for detaching the locator (jigs 11-1 – 11-4) from the slide base (slide plate 13), and wherein when the lifter (elevator platform 15) is at the upper limit, the locator (jigs 11-1 – 11-4) being removed from the lifter (elevator platform 15), while another locator (jigs 11-1 – 11-4) is placed on to the lifter (elevator platform 15), then the lifter (elevator platform 15) being lowered for placing the another locator (jigs 11-1 – 11-4) onto the slide base (slide plate 13) (page 5, paragraph 50).

With respect to the limitations of claim 3, Motomi et al. disclose the locator (jigs 11-1 – 11-4) being smaller than the side member (4), as viewed in a vertical direction and in a direction parallel to a transfer direction of the assembly line (see Figures 3, 6, 7).

With respect to the limitations of claim 4, Motomi et al. disclose the slide base (slide plate 13) being provided with a plurality of upwardly protruding locating pins (positioning pins 26), the locator (jigs 11-1 – 11-4) being formed with a plurality of insertion holes (holes 27) corresponding to the locating pins (positioning pins 26) (page 5, paragraph 49, see Figure 7).

As the reference meets all material limitations of the claims at hand, the reference is anticipatory.

Applicant cannot rely upon the foreign priority papers to overcome this rejection because a translation of said papers has not been made of record in accordance with 37 CFR 1.55. See MPEP § 201.15.

9. Claims 1-7, 9 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Sekine et al. (U.S. Patent No. 5,044,541).

Sekine et al. disclose a method of assembling a car body, the method comprising the steps of: locating a lower end of a vertical side member (side structures 73, 74) relative to an end of an underbody (floor structure 68) held in a predetermined position of a carbody assembling line; locating the side member to the underbody at not less than two portions of the lower end; and temporarily welding, in such a locating state, the side body to the underbody (column 10, lines 44-54); the car body assembly line being provided, in a vicinity thereof, with a slide base (work piece carrier 25) which is movable toward and away from the assembly line (see Figures 1-3), the car body (floor structure 68) being provided, in a vicinity thereof, with a locator (work piece positioning device 26) which is removably placed on the slide base (work piece carrier 25) for locating the side member (side structures 73, 74) (column 5, lines 18-20), the car body assembly line being provided, in a vicinity thereof, with a lifter (lifters 183) for placing the locator (work piece positioning device 26) on the slide base (work piece carrier 25) when the slide base (work piece carrier 25) is away from the assembly line (column 13, line 63 – column 14, line 2; see Figure 16), the locator (work piece positioning device 26) being placed onto the lifter (lifters 183) when the lifter is at an

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upper limit (column 13, line 63 – column 14, line 2; see Figure 16), the locator (work piece positioning device 26) being placed onto the slide base (work piece carrier 25) when the lifter (lifters 183) is lowered, the side member (side structures 73, 74) being supported by the locator (work piece positioning device 26), and the slide base (work piece carrier 25) being moved toward the car body assembly line for locating the side member (side structures 73, 74) relative to the underbody (floor structure 68) (see Figures 1-3, 13, 16).

With respect to the limitations of claim 2, Sekine et al. disclose the lifter (lifters 183) being lifted up for detaching the locator (work piece positioning device 26) from the slide base (work piece carrier 25), and wherein when the lifter (lifters 183) is at the upper limit, the locator (work piece positioning device 26) being removed from the lifter (lifters 183), while another locator (work piece positioning device 26) is placed on to the lifter (lifters 183), then the lifter (lifters 183) being lowered for placing the another locator (work piece positioning device 26) onto the slide base (work piece carrier 25) (column 13, line 63 – column 14, line 2; see Figure 16).

With respect to the limitations of claim 3, Sekine et al. disclose the locator (work piece positioning device 26) being smaller than the side member (side structures 73, 74), as viewed in a vertical direction and in a direction parallel to a transfer direction of the assembly line (see Figures 2, 3, 6, 13)

With respect to the limitations of claim 4, Sekine et al. disclose the slide base (work piece carrier 25) being provided with a plurality of upwardly protruding locating pins (pins 190), the locator (work piece positioning device 26) being formed with a

plurality of insertion holes (locating bores) corresponding to the locating pins (pins 190) (column 5, lines 21-25, see Figure 19).

With respect to the limitations of claim 5, Sekine et al. disclose the locator (work piece positioning device 26) including a bottom surface (see Figure 16) provided with a plurality of wheels, via the slide base (work piece carrier 25), for facilitating positional shift of the locator (work piece positioning device 26).

With respect to the limitations of claim 6, Sekine et al. disclose the lifter (lifters 183) including two supporting plates (each side having a support plate between locating pins 184; see Figure 16) spaced from each other, the locator (work piece positioning device 26) being placed on the supporting plates via the wheels of the slide base (work piece carrier 25) (see Figure 16).

With respect to the limitations of claim 7, Sekine et al. disclose the two supporting plates (each side having a support plate between locating pins 184; see Figure 16) are spaced from each other at a distance great enough to allow insertion of the slide base (work piece carrier 25) therebetween (see Figure 16).

With respect to the limitations of claims 9 and 10, Sekine et al. disclose the side member (side structures 73, 74), being located relative to the underbody (floor structure 78) by being supported by the locator (work piece positioning device 26) having a plurality of arms extending arms therefrom to hold the side member (side structures 73, 74) and the plurality of arms extending arms extending from the locator (work piece positioning device 26) being connected by the locator (work piece positioning device 26) itself. Furthermore, Sekine discloses two positioning devices (26, 28) can be used to in

a combined fashion for the time when complicated positioning is required (column 13, lines 25-30). Therefore, Sekine fully meets "the side member is located relative to the underbody by being supported by the locator and an additional locator" and "the two locators are connected to each other via a connecting rod and moved synchronously by the connecting rod" given its broadest reasonable interpretation.

As the reference meets all material limitations of the claims at hand, the reference is anticipatory.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Joint Inventors – Common Ownership Presumed

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the

various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

12. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sekine et al. (U.S. Patent No. 5,044,541).

Sekine et al. disclose all of the limitations of the claimed invention, as previously set forth, except for each of the supporting plates of the lifter being provided with a locating member for engaging with the wheel.

However, Sekine et al. teach the carrier (25) on which only the positioning device (26) is held moves toward the transferring stage besides the body main structure assembly stage (16) (column 13, lines 22-39). In addition, Sekine et al. teach two lifters (181) mounted in the factory floor being lifted up for lifting up the carrier (25) (column 13, lines 56-62). It is known in the art to provide a mechanism to sustain the wheels in a static, non-dynamic state, when a device with wheels is lifted up in order to prevent potential damage to occur to the wheels of the device, thereby increasing the operational longevity of the device. Therefore, to provide a locating member for engaging with the wheel would have been a mere engineering expediency it is known in the art to provide a mechanism to sustain the wheels in a static, non-dynamic state,

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when a device with wheels is lifted up in order to prevent potential damage to occur to the wheels of the device, thereby increasing the operational longevity of the device.

Prior Art

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 4,162,387 to Canida is a teaching of a car body welding assembly system.

U.S. Patent No. 4,928,383 to Kaczmarek et al. is a teaching of a car body welding assembly system.

U.S. Patent No. 4,682,722 to Bossotto et al. is a teaching of a car body welding assembly system.

U.S. Patent No. 4,670,961 to Fontaine et al. is a teaching of a car body welding assembly system.

U.S. Patent No. 6,595,407 to McNamara et al. is a teaching of a car body welding assembly system.

U.S. Patent No. 4,946,089 to Baulier et al. is a teaching of a car body welding assembly system.

U.S. Patent No. 6,100,497 to Maruyama et al. is a teaching of a car body welding assembly system.

Japanese Publication No. JP 02144267A to Shimoyama et al. is a teaching of a car body welding assembly system.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen J. Ralis whose telephone number is 571-272-6227. The examiner can normally be reached on Monday - Friday, 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tu Hoang can be reached on 571-272-4780. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Stephen J Ralis/
Examiner, Art Unit 3742

/TU B HOANG/
Supervisory Patent Examiner, Art Unit 3742

Stephen J Ralis
Examiner
Art Unit 3742

SJR
April 23, 2008